

Sixth Appellate District

San Jose, California

MONDAY, MAY 23, 2005

H027644 PEOPLE v. EDRA

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 23, 2005

H027308 PEOPLE v. MUADDI

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 23, 2005

TUESDAY, MAY 24, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Jane Valdez Flor, Deputy Clerk.

H027992 In re DEVIN L., a Minor; DFCS v. MICHAEL L

Cause called and argued by Allison Brumbach appearing for Appellant and by Susan Ware, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H026909 PEOPLE v. MAY

Cause called and argued by Edward Mahler appearing for Appellant and by Melissa Krum, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026944 ROSSI v. ROSSI

Cause called and argued by Hugh T. Thomson appearing for Appellant and by William J. Pardue appearing for Respondent. Cause ordered submitted.

H026963 ANELLI v. COLYVAS

Cause called and argued by Mark G. Bonino appearing for Appellant and by Victor F. Stefan appearing for Respondent. Cause ordered submitted.

H027581 ARNERICH, a Minor, etc. v. CENTURY NATIONAL INSURANCE COMPANY

Cause called and argued by James W. Kellenberger appearing for Appellant and by Michael Garnett appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, May 24, 2005 (continued)

H026857 MICELI v. CALIFORNIA DEPARTMENT OF TRANSPORTATION

Cause called and argued by Fred Meis appearing for Appellant and by Kenneth G. Nellis appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

H026947 PEOPLE v. LUONG

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 24, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and J. Michel Casique, Deputy Clerk.

H027789 PEOPLE v. CAUDILLO

Cause called and argued by Solomon R. Wollack appearing for Appellant and by Kelly M. Croxton, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027848 BOARD OF PRISON TERMS v. SUPERIOR COURT (NGO)

Cause called and argued by Elizabeth Seon Kim, Deputy Attorney General, appearing for Petitioner and by Keith Allen Wattley appearing for Real Party in Interest. Cause ordered submitted.

H028006 BOARD OF PRISON TERMS v. SUPERIOR COURT (GAOIRAN)

Cause called and argued by Elizabeth Seon Kim, Deputy Attorney General, appearing for Petitioner and by Keith Allen Wattley appearing for Real Party in Interest. Cause ordered submitted.

H028022 BOARD OF PRISON TERMS v. SUPERIOR COURT (BETTENCOURT)

Cause called and argued by Elizabeth Seon Kim, Deputy Attorney General, appearing for Petitioner and by Heather Mackay appearing for Real Party in Interest. Cause ordered submitted.

H028070 BOARD OF PRISON TERMS v. SUPERIOR COURT (LEWIS)

Cause called and argued by Elizabeth Seon Kim, Deputy Attorney General, appearing for Petitioner and by Heather Mackay appearing for Real Party in Interest. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

WEDNESDAY, MAY 25, 2005

H027164 PEOPLE v. HOLM

The order committing defendant to the Department of Mental Health as a sexually violent predator is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 25, 2005

H026953 PEOPLE v. OSIO

The judgment is reversed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 25, 2005

H028177 PEOPLE v. WALKER

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 25, 2005

H028054 PEOPLE v. LOPEZ

The judgment and sentence are affirmed. (not published)

(McAdams, J.; I concur: Bamattre-Manoukian, Acting P.J.;
Concurring opinion by: Mihara, J.)

Filed May 25, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J. and J. Michel Casique, Deputy Clerk.

H028559 PEOPLE v. ABBOTT

Cause called for order to show cause hearing regarding the transcript on appeal. Court reporter Carleen Hyde is present. The Court discusses the issuance of the order to show cause. The court orders the reporter suspended from reporting. The order is stayed until June 8, 2005, on the condition said reporter completes preparation of the transcript at the Superior Court. Carleen Hyde is directed to work on no other transcripts while preparing the transcript on appeal for H028559 People v. Abbott. Hearing on the order to show cause is continued to June 29, 2005, at 9:30 a.m.

Sixth Appellate District

San Jose, California

THURSDAY, MAY 26, 2005

H026959 AMERICA ONLINE CASES

The order denying class certification is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 26, 2005

H026441 PAJARO VALLEY WATER MANAGEMENT AGENCY v. McGRATH

By the Court*:

Appellant's petition for rehearing and request for judicial notice are denied.

Filed: May 26, 2005

*Before Rushing, P.J., Elia, J. and Mihara, J.

H027125 PEOPLE v. HARRISON

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 26, 2005

H027203 PEOPLE v. PAYNE

The judgment is reversed. The matter is remanded to the trial court for resentencing consistent with the terms of appellant's plea bargain. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 26, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and R. W. Norvelle, Deputy Clerk.

H026556 THOMPSON v. MITCHELL, GINGERICH, LOQUACI & EICHENBAUM

Cause called and argued by Ardell Johnson appearing for Appellant and by Charles J. Smith appearing for Respondent. Cause ordered submitted.

Rushing, P.J. steps down and Bamattre-Manoukian, Acting P.J. takes the bench.

H026399 PEOPLE v. KUS

Cause called and argued by David D. Carcio appearing for Appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, May 26, 2005 (continued)

H027410 PEOPLE v. DRAGOS

Cause called and argued by David Martin appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027515 NADASDY v. NADASDY

Cause called and argued by Appellant appearing in propria persona and by James Ching, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027399 KASKALAVICH v. TSENG, et al.

Cause called. Lewis Phon appears for Appellant. There is no appearance made on behalf of Respondents. Cause ordered submitted without oral argument. Court adjourns.

H027409 PEOPLE v. RAMIREZ

The judgment is reversed. The case is remanded to the lower court for the limited purpose of resentencing in a matter consistent with this opinion; and recalculation of defendant's custody credits. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 26, 2005

H027769 LI v. PREDIWAVE CORPORATION, et al.

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated April 26, 2005, is hereby vacated. The court by separate letter issued May 26, 2005, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: May 26, 2005 Bamattre-Manoukian, Acting P.J.

FRIDAY, MAY 27, 2005

H027338 PEOPLE v. GUTIERREZ

The judgment in FF201500 is modified to strike the additional \$400 restitution fine ordered on April 9, 2004, pursuant to Penal Code section 1202.4, subdivision (b). As so modified, that judgment is affirmed. The judgment in CC266586 is affirmed in its entirety. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 27, 2005

Sixth Appellate District

San Jose, California

Friday, May 27, 2005 (continued)

H026789 PEOPLE v. STREETER

The judgment is reversed. The matter is remanded for the limited purpose of resentencing. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 27, 2005

H023394 PEOPLE v. PENA, et al.

(Filed order modifying opinion.) The petitions for rehearing by appellant Patlan and respondent Attorney General are denied. There is no change in the judgment. (published)
(Rushing, P.J.; Premo, J.; Elia, J.)
Filed May 27, 2005

H027367 PEOPLE v. CRUZ

(Filed order modifying opinion.) There is no change in the judgment. Respondent's petition for rehearing is denied. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed May 27, 2005

H027367 PEOPLE v. CRUZ

By the Court*:

Appellant's petition for rehearing is denied.
Filed: May 27, 2005
*Before Rushing, P.J., Premo, J. and Elia, J.

H028664 FOX v. GOOD SAMARITAN HOSPITAL, et al.

By the Court*

Appellant's motion to vacate dismissal is granted. The clerk is directed to file the Civil Case Information Statement attached to the request as Exhibit "B" forthwith, and return the case to active status.

Dated: May 27, 2005

Rushing, P.J.

H027422 LAW OFFICES OF DIXON R. HOWELL v. VALLEY

The order dismissing the action and postdismissal order awarding attorney fees are reversed. Law Firm's motion for summary judgment should have been granted. Accordingly, we remand to the trial court with directions that it enter an order granting summary judgment and judgment in favor of Law Firm. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed May 27, 2005

Sixth Appellate District

San Jose, California

Friday, May 27, 2005 (continued)

H027724 PEOPLE v. ROSE

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated May 6, 2005, is hereby vacated. The court has requested supplemental briefing from the parties in case No. H028411, In re Rose on Habeas Corpus. The cause will be resubmitted upon the disposition in case No. H028411.

Dated: May 27, 2005 Rushing, P.J.